

REMARKS

Claims 35-41 are currently pending in the application. The status of the claims, taking into account this reply, is as follows:

Claims 1-34 have been canceled; and

Claims 35-41 have been amended;

Claims 35-41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/026445 A1 (hereinafter referred to as “the ‘445 reference”) to Wehrenberg in view of U.S. Publication No. 2001/0042165 A1 (hereinafter referred to as “the ‘165 reference”) to IKEDA.

Independent claim 35 is directed to a method, executed by a video driver card, of recording digital data (which could be MPEG encoded digital data) onto a medium using a copy mark and additional information. The method includes detecting any additional information embedded in the digital data. The additional information being a 2-bit digital data. If the additional 2-bit digital data is detected, the method includes performing access control for the digital data based on the content of the additional information. The performing of the access control includes embedding a copy mark into the digital data. The digital data, additional information, and added copy mark are scrambled. The scrambled digital data is then recorded onto a writable medium with the subsequent copying or playback being subject to the scrambling and the additional information.

The ‘445 reference is directed to copy protection techniques that utilize a watermark and a permission key. The ‘445 reference does not teach or suggest the detection of additional information embedded in digital data, let alone the detection of such additional information in the form of a two-bit digital code. Moreover, the ‘445 reference fails to teach or suggest, if such a 2-bit digital code is detected, the performing of access control based upon the value of the 2-bit digital code or the embedding of a copy mark into the digital data as part of the access control. The ‘445 reference also fails to teach or suggest the scrambling of the digital data, additional information, and copy mark or the recording of such on a writable medium, with subsequent copying or playback of the recorded digital data being subject to the scrambling and additional information features. The ‘165 reference is cited for teaching a video card driver and MPEG

digital data. However, the '165 reference fails to address the deficiencies noted with respect to the '446 reference. Based on the foregoing, it is respectfully asserted that claim 35 is patentable.

Claim 37 is directed to a method of performing playback control of digital data, e.g., MPEG encoded digital data, that is scrambled and includes additional information in the form of 2-bit digital data. The method includes reading the scrambled digital data from a medium. The scrambled digital data is then descrambled to detect the additional information, i.e., the 2-bit digital data. The contents or code present in the additional information is determined. If the code has a particular value and a copy mark is not present, a copy mark is added. The playback of the descrambled digital data is controlled using the copy mark.

The '445 reference does not teach or suggest the reading of scrambled digital data that contains additional information in the form of 2-bit digital data and the descrambling of such data to detect the 2-bit digital data. Moreover, the '445 reference does not teach or suggest determining the contents of the 2-bit digital data and, if the contents is a particular value and a copy mark is not present, adding a copy mark. As such the '445 reference does not teach or suggesting controlling playback using a copy mark that has been added to the digital data based on a 2-bit code having a particular value and the absence of a copy mark. The '165 reference fails to remedy the shortcomings of the '445 reference. Based on the foregoing, it is respectfully asserted that claim 37 is patentable.

Claim 38 is directed to a video driver card for controlling the inhibition of playback of digital data using a copy mark and additional information. The video driver card includes a detector for detecting any additional information, which is in the form of 2-bit digital data, that is embedded in the digital data. Also included in the card is a control device that, if the 2-bit digital data is detected, performs access control in accordance with the value of the the 2-bit digital code. Further, the control device in performing access control, also embeds a copy mark into the digital data. Also included in the video card is a scrambler that scrambles the digital data, additional information, and the added copy mark. The claimed video card further includes a recording device that records the scrambled digital data, additional information, and added copy mark on a writable medium so as to control subsequent playback of the digital signal recorded on the writable medium by way of the scrambling and additional information.

The '445 reference does not teach or suggest a video card for detecting additional information in the form of a 2-bit digital data embedded in the digital data. As such, the '445 reference also fails to teach a controller that, if the additional data in the form of the 2-bit digital data is detected, performs access control based on the value of the 2-bit digital data and that embeds a copy mark in the digital data as part of an access control operation. As such, the '445 reference also does not teach or suggest a scrambler for scrambling the digital data, additional data, and copy mark added pursuant to the access control operation. A recording device that records scrambled digital data, additional information in the form of 2-bit digital data, and an added copy mark is also not taught or suggested by the '446 reference. The '165 fails to remedy the failings of the '446 reference. Based on the foregoing, it is respectfully asserted that claim 38 is patentable.

Independent claim 40 is directed to a player for controlling the inhibition of playback of digital data using a copy mark and additional information in the form of 2-bit digital data. The player includes a detector for identifying additional information, i.e., the 2-bit digital data, embedded in digital data. Further, the player includes a controller for performing access control if the additional information (2-bit digital data) is detected, with the access control being according to the value of the 2-bit digital code and also including embedding a copy mark in the digital data. A scrambler is provided to scramble the digital data, additional information, and added copy mark. The player also includes a recorder for recording the scrambled digital data, additional information and copy mark on a writable medium such that subsequent playback and recording is controlled via the scrambling and additional information present in the recorded digital data.

The '445 reference does not teach or suggest a player with a detector for detecting additional information in the form of 2-bit digital data that is embedded in the digital data. As such, the '445 reference also does not teach or suggest a controller for performing access control based upon the value of any detected 2-bit digital data, or such a controller that also embeds a copy mark in the digital data in performing access control. A scrambler that scrambles digital data, additional information and a copy mark that was added in performing access control according to the value of a 2-bit digital data is also not taught or otherwise suggested by the '445 reference. The '445 reference also fails to teach or suggest a recorder for recording the

scrambled digital data, additional information, and added copy mark on a writable medium so that subsequent copying and playback is controlled via the scrambling and additional information.

Each of claims 36, 39, and 41 is a dependent claims that depends either directly or indirectly from one of independent claims 35, 38, and 40. Consequently, each of these dependent claims is at least allowable for the reasons noted with respect to the independent claim from which it depends. However, each of these dependent claims may be allowable for additional reasons, and the applicant reserves the right to assert any such reason in the future.

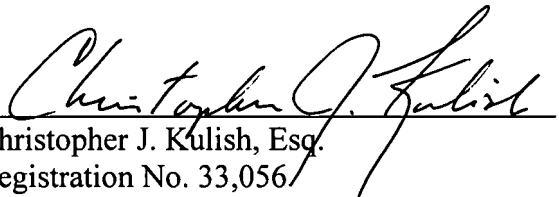
No claim related fees are believed to be due with this response. In the event any such fees are due, please debit Deposit Account 08-2623.

In the event that a petition for extension of time under 37 CFR §1.136(a) is required to have this reply considered and such a petition does not otherwise accompany this reply, please consider this a petition for an extension of time for the required number of months and authorization to debit Deposit Account 08-2623 for the required fee.

The application now appearing to be in form for allowance, reconsideration and allowance thereof is respectfully requested. If a telephone conversation will further the prosecution and/or expedite allowance, the examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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